

## CALIFORNIA COASTAL COMMISSION

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# Th7b

**Prepared June 24, 2004 (for July 15, 2004 hearing)**

**To:** Commissioners and Interested Persons

**From:** Diane Landry, District Manager  
Mike Watson, Coastal Planner

**Subject:** **City of Pismo Beach LCP Major Amendment Number 1-04 Part II (Density, Slopes, Design)** Proposed major amendment to the City of Pismo Beach certified Local Coastal Program to be presented for public hearing and Commission action at the California Coastal Commission's July 17, 2004 meeting to take place at the Westin South Coast Plaza, 686 Anton Boulevard in Costa Mesa.

## Summary

The City of Pismo Beach is proposing to amend its Local Coastal Program (LCP) Land Use Plan (LUP, also known as the City's General Plan) policies. The City proposes amending the LUP to bring the document into conformance with the certified implementing ordinances. The City notes that the current LUP was certified in 1992 with policies that are either too specific and/or often inconsistent with the older implementing ordinances (1983). The proposed amendment includes eliminating the prohibition of development on slopes greater than 30% in the Pismo Heights Planning Area and increasing the density range in the City's residentially zoned neighborhoods (R-1, R-2, R-3) to match the corresponding zoning code provisions for minimum lot size and minimum lot area per family unit. The requested amendment also eliminates specific building design criteria for driveway widths and makes an allowance for a wider palette of colors to be used on hillside buildings and structures.

Staff has evaluated the proposed policy amendments to the Land Use Plan for conformance with the Coastal Act. As discussed in detail below, staff recommends approval of the City of Pismo Beach LCP proposed Land Use Plan Major Amendment No. 1-04 Part II, if it is modified to 1) require evidence of adequate public services, 2) require engineered plans and conformance with the resource protection and hazard standards of the LCP to address structural stability, landform alteration, erosion, and polluted runoff prior to approval of development on slopes greater than 30% in the Pismo Heights planning area, and 3) delete the Hillside Development Criteria and Standards (§17.078.030) exception for single family residences in the Pismo Heights planning area. The reason for the recommended modifications is that the City has not demonstrated that there are adequate services (water and wastewater) to serve build-out at the higher densities provided by the LUP amendment and further, the City's request to allow development on slopes greater than 30% in the Pismo Heights Planning Area may be expected to affect sensitive resources, involve hazards, impact water quality, and degrade views on a significant number of



California Coastal Commission

July 15, 2004 Meeting in Costa Mesa

Staff: M. Watson Approved by:

lots. Thus, the recommended modifications are necessary to find the requested Land Use Plan policy amendments consistent with Chapter 3 of the Coastal Act. Staff is not recommending any modifications to the City's proposed amendments affecting building and site design criteria for driveways and the allowance of additional color schemes on hillside development.

The City's Land Use Plan was originally certified by the Commission on October 14, 1982. The zoning portion (Implementation Plan) was submitted in October 1983 and certified with suggested modifications on January 11, 1984. The City agreed to the modifications and assumed permit-issuing authority on April 13, 1984. A major update to the City of Pismo Beach's LUP was certified on November 24, 1992. An attempt at updating the 1983 zoning ordinance failed in the late 1990's. The City has organized and submitted this LCP amendment request in accordance with the standards for amendments to certified LCPs (Coastal Act Section 30514, California Code of Regulations 13551 through 13553). The amendment was filed on January 20, 2004 and a time extension was granted by the Commission on March 18, 2004. The City Council held noticed public hearings. In addition, noticed public hearings at the Planning Commission level were held.

Further information on the submittal may be obtained from Mike Watson at the Central Coast District Office of the Coastal Commission at 725 Front Street, Suite 300, Santa Cruz, CA 95060, (831) 427-4863.

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## I. Staff Recommendation – Motions and Resolutions

Staff recommends that the Commission, after public hearing, approve the proposed amendment only if modified. The Commission needs to make 2 motions in order to act on this recommendation.<sup>1</sup>

1. Denial of Land Use Plan Major Amendment Number 1-04 Part II as Submitted

**Motion (1 of 2).** I move that the Commission **certify** Land Use Plan Amendment (PSB-MAJ-1-04, Part II) as submitted by the City of Pismo Beach.

Staff recommends a **NO** vote. Failure of this motion will result in denial of the amendment as submitted and adoption of the following resolution and findings. The motion passes only by an affirmative vote of a majority of the appointed Commissioners.

**Resolution to Deny.** The Commission hereby **denies** certification of the Land Use Plan Amendment (PSB-MAJ-1-04, Part II) as submitted by the City of Pismo Beach and adopts the findings set forth in this staff report on the grounds that the amendment does not conform with the policies of Chapter 3 of the Coastal Act. Certification of the Land Use Plan amendment would not comply with the California Environmental Quality Act because there are feasible alternatives or mitigation measures which could substantially lessen any significant adverse impact which the Land Use Plan Amendment may have on the environment.

2. Approval of Land Use Plan Major Amendment Number 1-04 Part II, if Modified

**Motion (2 of 2).** I move that the Commission **certify** Land Use Plan Amendment (PSB-MAJ-1-04, Part II) for the City of Pismo Beach if it is modified as suggested in this staff report.

Staff recommends a **YES** vote on the motion below. Passage of this motion will result in certification of the amendment with suggested modifications and the adoption of the following resolution and findings in this staff report. The motion to certify with suggested modifications passes only by an affirmative vote of a majority of the Commissioners present.

**Resolution to Certify with Suggested Modifications.** The Commission hereby **certifies** the Land Use Plan Amendment (PSB-MAJ-1-04, Part II) for the City of Pismo Beach if modified as suggested and adopts the findings set forth in this staff report on the grounds that the Land Use Plan amendment with suggested modifications will meet the requirements of and be in conformity with the policies of Chapter 3 of the Coastal Act. Certification of the Land Use Plan amendment if modified as suggested complies with the California Environmental Quality Act because either: (1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the plan on the environment; or (2) there

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<sup>1</sup> Note that the motions and resolutions refer to “Part II of Major Amendment Number 1-04.” The reason for this is that this amendment request is part II of a two part LCP amendment submitted by the City of Pismo Beach. Part I of the amendment, regarding development of secondary dwelling units was approved with modifications by the Commission at its May 12, 2004 meeting in San Rafael.



are no further feasible alternatives or mitigation measures that would substantially lessen any significant adverse impacts which the Land Use Plan Amendment may have on the environment.

## II. Suggested Modifications

The Commission hereby suggests the following modifications to the proposed LCP amendment, which are necessary to make the requisite consistency findings. If the City of Pismo Beach accepts each of the suggested modifications within six months of Commission action (i.e., by December 11, 2004), by formal resolution of the City Council, the corresponding amendment will become effective upon Commission concurrence with the Executive Director's finding that this acceptance has been properly accomplished. Where applicable, text in ~~cross-out~~ format denotes text to be deleted and text in underline format denotes text to be added.

### 1. Modify Proposed Changes to LUP Policy CO-10: Slopes over 30% -Permanent Open Space.

No buildings or grading shall be permitted on existing natural slopes over 30%. The areas over 30% shall be retained as permanent public or private open space. Building and grading on existing legal lots of record in the Pismo Heights Planning Area that exceed the 30% slope limitation may be approved provided that requests for development are accompanied by engineered plans ensuring structural stability over the life of the residence and the development can be accommodated in accordance with the resource and hazard protection standards of the certified LCP (including but not limited to the Safety (S-10 – S-15), Conservation (CO-11 – CO-14, CO-31), and Land Use (LU-P-1 – LU-P-10) elements/policies of the General Plan/Local Coastal Plan and the Hazard Protection and View Consideration Overlay Standards of the Zoning Ordinance (Sections 17.078 and 17.096)). Grading shall be limited to the minimum amount necessary to construct the least environmentally damaging alternative for building sites with a slope in excess of 30%. Development shall be directed to the least-steep portions of the site. All impervious surfaces shall drain to infiltration basins and/or cisterns. No water shall be permitted to run off-site. This provision shall not be construed as a guaranteed right to development of the entire lot but rather the minimum necessary to provide a reasonable economic use of the site and to avoid a taking of property. No future subdivisions that result in additional lots whose only building sites would be on a greater than 30% in slope or within environmentally sensitive habitat, ESHA buffer, riparian areas, finger canyons, or native chaparral vegetation shall be permitted.

### 2. Delete Implementation Plan Standard 17.078.030: Hillside Regulation Criteria and Standards.

~~8. Exceptions. The development standards and requirements of the Hillside Section of this Ordinance, upon determination of the Department of Community Development, shall not apply to those specific developments or applications involving the following circumstance: a single family dwelling unit and accessory buildings on a single family residential parcel of record as of January 23, 1981, located in the Pismo Heights Planning Area.~~



### 3. Modify Proposed Change to LUP policy LU-2: Residential Uses.

- d. **Densities.** Permissible housing densities are established within three broad categories shown in Table LU-3.

**Table LU-3**  
**Housing Categories and Density**

| <b>Category</b> | <b>Density</b>   |
|-----------------|--|
| Low Density     | 1 to <del>4</del> <u>8</u> units per acre.                       |
| Medium Density  | <del>5</del> <u>9</u> to <del>10</del> <u>15</u> units per acre. |
| High Density    | <del>11</del> <u>16</u> to 30 units per acre.                    |

These densities represent are the maximums—allowed provided that, 1) the applicant obtains a written commitment from the water purveyor and wastewater service provider guaranteeing that there are adequate public services to serve the development and 2) the development can be accommodated in accordance with the growth management, facility services, and resource protection standards of the certified LCP. It may not be desirable or appropriate to meet these densities in any specific situation. The maximum number or dwelling units shall be determined for individual parcels as follows:

- a. Gross parcel area is computed in square feet or acres.
- b. The amount of parcel areas that is unbuildable is calculated, including but not limited to acres with slopes greater than 30%, existing roadways, waterways.
- c. Net buildable parcel area is calculated as a-b.
- d. The maximum number of units or lots is the product of the density factor and the net buildable area.

Population density is estimated as follows:

- 2.05 persons / unit within the 1981 city limits
- 2.5 persons / unit in sphere of influence

See also Conservation / Open Space Element CO-1, Siting of Multi-Family Projects



### III. Findings and Declarations

The Commission finds and declares the following:

#### A. Proposed LCP Land Use Plan Amendment

##### 1. Modify Policy CO-10: Slopes over 30% -Permanent Open Space

The proposed amendment to the certified LCP involves a change to the certified Land Use Plan slope conservation policy CO-10 to add clarity to the LCP and provide for development of unimproved lots in the Pismo Heights Planning area. Specifically, the City has requested amending CO-10 as follows:

###### CO-10 Slopes Over 30% -Permanent Open Space

*No buildings or grading shall be permitted on existing natural slopes over 30%, except in the Pismo Heights Planning Area. The areas over 30% shall be retained as permanent public or private open space.*

###### Standard of Review

The standard of review for land use plan amendments is the Coastal Act. Under the Act, land use plans are to indicate the kinds, locations, and intensities of uses that are allowable in various locations (PRC 30108.5). The substantive policies of Chapter 3 are the primary basis for making these determinations. In this case, the most relevant governing sections of the Coastal Act are Hazards (30253), Visual (30251), ESHA (30240), and Water Quality (30231).

###### Hazards

Coastal Act section 30253(1) requires that all new development minimize risks to life and property in areas of high geologic, flood, and fire hazard. Subsection (2) requires new development to assure stability and structural integrity and neither create or contribute significantly to erosion or geologic instability or destruction of the site or surrounding area. As submitted, the LCP amendment, and more specifically, the exception for residential development on steep slopes in the Pismo Heights Planning area, could introduce a variety of hazard issues as development of the roughly 55 unimproved lots commences on the steep slopes of the planning area. Minor land divisions could increase the number of affected parcels to approximately 120. The Pismo Heights planning area is located east of Highway 101 on the steep slopes adjacent to Price Canyon, only a portion (roughly 60%) of the planning area lie within the Coastal Zone boundary. The boundaries of the planning area are defined by the steep, undulating terrain of grasslands and Oak woodland / riparian areas. Pismo Heights is an established neighborhood, almost exclusively developed with single-family residences on the upper slopes and a mix of single-family and multi-family units on the lower slopes. Most development that can be expected to occur with the land use plan amendment will be residential in-fill of existing lots of record, requiring grading and construction for residences on slopes well in excess of 30%.

As noted, there are a significant number of unimproved and oversized parcels within the planning area.



These sites are generally characterized by very steep slopes, some sites along the northern perimeter of the planning area well exceed 30% slope. The Coastal Act's hazard protection policies are designed to prevent unsafe development of hazardous areas, minimize damage to public and private property, avoid and or minimize erosion. The Commission has found in a number of jurisdictions, including the City of Pismo Beach, that a 30% slope development restriction is necessary and adequate to protect development from hazards and to maintain erosion control. At the time of original LCP certification (i.e., 1983) a 30% slope development standard was adopted for the entire City, except the Pismo Heights planning area, which was subject to a 20% slope development limit. In 1988, an amendment to allow development and grading on slopes up to 30% within the Pismo Heights planning area was determined by the Commission to conform to Coastal Act policies and be consistent with the standard applied throughout the balance of the City of Pismo Beach. The policy required that all areas over 30% in slope be retained in permanent public or private open space. The current amendment request does not specify an upper limit on slope, but instead would allow grading and development in the Pismo Heights Planning area on any slopes regardless of pitch.

The City has requested the amendment to 1) provide clarity to the LCP which has several contradicting policies and standards, and 2) to allow development of the remaining unimproved lots in the Pismo Heights planning area. The City has identified two exceptions in the LCP that allow development of slopes greater than 30% as justification for the amendment. The first is an exception clause in the Hillside Regulation Standards and Criteria (§17.078.030.8). The hillside regulation criteria and standards apply to all lots within the City which have a natural slope of ten percent or more and are designed to minimize landform alteration, protect visual resources, as well as, prevent unsafe development of hazardous areas, control runoff, erosion, and water quality. These criteria include permit requirements, application procedures, development standards, and data requirements to assure that hillside development does not destroy the natural landforms. The exception applies only to development of single-family residences in Pismo Heights. The development standards and requirements of the Hillside Regulations do not apply to specific developments involving applications for single-family dwellings in the Pismo Heights planning area on legal lots of record created prior to January 1981. The problem with the exception is that the remaining unimproved lots in the Pismo Heights planning area are located on very steep slopes and the lots were created prior to 1981. Because the exception excludes the Pismo Heights planning area from the established Hillside Regulations, there are not the protection measures to ensure that the development will not have an adverse impact to visual resources, landforms, water quality, erosion, etc.

Secondly, a reference to development of steep slopes in the background narrative of the 1992 update to the General Plan/Local Coastal Plan (GP), indicates that development prohibition on slopes greater than 30% does not apply to development in the Pismo Heights planning area, even though the actual policy (CO-10: Slopes over 30%) does not reflect this interpretation. Indeed, the certified zoning ordinance retains at least two references prohibiting development on slopes greater than 30%. Nevertheless, it is clear from staff's evaluation that there are contradictory statements and inconsistent policies and standards that require attention. However, as submitted, the requested general plan/land use plan amendment opens the door for development on steep slopes without parameters and fails to correct the inconsistencies with the certified zoning ordinance.



Grading and vegetation clearing on steep slopes (30% or greater) is the number one contributor to adverse impacts on hillside stability, erosion, and structural integrity. Large cuts are typically required to accommodate on-grade foundations and consequently result in the removal of an excessive amount of material. It is difficult to contain grading spoils during construction and often more difficult to replant and stabilize the disturbed area prior to the onset of seasonal rains. With the rains, runoff occurs carrying sediments and other debris down the steep slope and into riparian areas and waterways. The moving water cuts across the denuded area and begins to erode the steep slopes eventually destabilizing the entire area. Often because of this, on-grade foundations are not considered appropriate, especially on very steep sites. In this case, it has been the Commission's experience, a system of drilled pier and caisson foundation is an environmentally superior, structurally sound alternative. Structures are founded on a series of caissons sunk deep into earth, which provide the necessary structural stability while at the same time, minimizing the need to excavate large amounts material and ameliorating many of the adverse impacts typically associated with development on steep slopes. The City's amendment request will allow grading and development of existing building sites regardless of site limitations and does not propose any further amending language that will ensure structural stability over the life of the residence. In response, the Commission recommends that grading be limited to the absolute minimum amount necessary to construct the least environmentally damaging [foundation] alternative for building sites in excess of 30%.

Thus, the Commission is recommending modifications 1 and 2 as necessary to bring the LUP amendment into compliance with Coastal Act policy 30253 (1) and (2). Recommended Modification 1 limits grading to minimum amount necessary to support the development and directs development to the least steep portion of the site. Recommended Modification 1 also prohibits subdivision when it would result in an additional lot where the only building site would be on 30% or greater slope. Recommended Modification 2 deletes the exemption to the Hillside Regulations Criteria and Standards for development undertaken in the Pismo Heights Planning Area.

As modified, the City of Pismo Beach LCP amendment PSB-MAJ-1-03 shall be found consistent with Coastal Act Section 30253 (1) and (2).

#### Environmentally Sensitive Habitat Areas

Pismo Heights is part of the larger Price Canyon Foothills area that provides a significant visual and open space backdrop to the City east of Highway 101. The planning area was subdivided in the 1920's and is approximately 90% built-out, with a smattering of unimproved in-fill lots throughout the subdivision and numerous unimproved lots along the northwestern perimeter of the planning area. The perimeter lots are generally very steep and line the edge of a well-defined oak woodland, blue-line creek, and riparian area that provides visual texture and valuable habitat for a variety of terrestrial and avian species. The topography and more specifically, steep slopes, have constrained urban development and uses of land in the coastal foothills. City policies prohibit development on slopes over 30%, though there is conflicting language indicating that the Pismo Heights planning area may not be subject to this restriction. The City's general plan/land use plan acknowledges that disturbance of hillsides and natural drainages, and removal of vegetation can result in adverse impacts on sensitive habitat. The





conservation and open space element contains policies protecting these sensitive habitat areas by requiring good site design, limiting grading, and imposing development regulations. However, as submitted, the LCP amendment could promote development that is inconsistent with and potentially harmful to the habitat values at this location.

As noted above, the standard of review for land use plan amendments is the Coastal Act. In this case, the most relevant governing section of the Coastal Act is:

**30240:** *(a) Environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values, and only uses dependent on those resources shall be allowed within those areas.*

*(b) Development in areas adjacent to environmentally sensitive habitat areas and parks and recreation areas shall be sited and designed to prevent impacts which would significantly degrade those areas, and shall be compatible with the continuance of those habitat and recreation areas.*

The Coastal Act definition of environmentally sensitive habitat is also relevant:

**30107.5:** *“Environmentally sensitive area” means any area in which plant or animal life or their habitats are either rare or especially valuable because of their special nature or role in an ecosystem and which could be easily disturbed or degraded by human activities and developments.*

In evaluating a proposed land use change, the Commission must analyze the on-the-ground resources and planning context at the time of the proposed LCP amendment, to assure that the land use designations are consistent with the Coastal Act. Though there are no sensitive habitat areas or sensitive species specifically called out in the land use plan, the LUP does identify oak woodland and riparian area as having significant ecological value. U.S. Geological Service topography maps indicate there is a blue-line creek at the bottom of the steep riparian woodland that could be adversely affected by runoff, erosion, and sedimentation associated with development activities. Moreover, the Commission has often found that riparian corridors are rare and especially valuable as habitat and migration corridors in urban and semi-urban communities. Thus, it appears the proposed land use plan amendment could promote development on steep slopes adjacent to and sometimes within sensitive areas without assurance that appropriate resource protection measures will be carried out. Recognizing that there are lots within the planning area that represent in-fill development without resource constraints, it would be unreasonable to prohibit development entirely. Therefore, the Commission is recommending two modifications. The first would allow construction of new buildings subject to conformance with the resource protection measures of the LCP *and* limit the amount of grading to the minimum amount necessary to support the least environmentally damaging alternative for development on slopes greater than 30%. The second recommendation eliminates the Hillside Regulation Criteria and Standards element exemption for new development within the Pismo Heights Planning District. The modification is needed to ensure that all



proposed development on steep slopes are subject to more rigorous hillside development standards intended to preserve the natural landform features of the site. Both modifications are necessary to bring the amendment into compliance with Coastal Act policy 30240.

Only as modified, shall the City of Pismo Beach LCP amendment PSB-MAJ-1-04 Part II be found consistent with the Coastal Act.

#### Visual Resources

The certified LCP describes the coastal foothills generally north of Highway 101 as the predominant landform of the community and a significant visual asset. They provide an open space backdrop to the City and an essential wildlife corridor. As noted in the ESHA section above, the hills provide visual texture and valuable habitat for a variety of terrestrial and avian species. Most of this area is off-limits to development because of its steep terrain and presence of sensitive habitat. However, the proposed Land Use Plan amendment would allow development in the foothills of the Pismo Heights Planning Area on slopes greater than 30%. There are a significant number of unimproved and oversized parcels within the planning area. These sites are generally characterized by very steep slopes and may well be very visible from Highway 101. Furthermore, many of these locations have been identified in the certified LCP as requiring special design review to preserve recognized scenic views of the City and Pacific Ocean.

Coastal Act Section 30251 states, in part:

*The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas.*

The City's proposed LCP amendment may promote development of steep slopes in the Pismo Heights Planning Area that would be inconsistent with the scenic resource protection measures of the certified LCP and section 30251 of the Coastal Act. Accordingly, the Commission is recommending modifications that would allow development of "in-fill" lots provided that the requests for development are accompanied by engineered plans assuring structural integrity over the life of the project *and* the development can be accommodated in accordance with the resource and hazard protection measures/elements of the certified General Plan/Land Use Plan. In addition, the recommended modifications delete the exception provision to the development standards and requirements of the Hillside Section of the zoning ordinance, directs development to occur on the least-steep portion of the site, and prohibit future subdivision of property that would create a new lot or building site entirely greater than 30% in slope. Therefore, only as modified by Recommended Modifications 1 and 2, can the proposed General Plan/Land Use Plan amendment be consistent with section 30251 of the Coastal Act.

#### Water Quality

Chapter 3 of the Coastal Act includes policies designed to avoid and minimize the effects of storm water runoff and generally improve water quality. In particular, Coastal Act Section 30231 states:



*The biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes appropriate to maintain optimum populations of marine organisms and for the protection of human health shall be maintained and, where feasible, restored through, among other means, minimizing adverse effects of waste water discharges and entrainment, controlling runoff, preventing depletion of ground water supplies and substantial interference with surface water flow, encouraging waste water reclamation, maintaining natural vegetation buffer areas that protect riparian habitats, and minimizing alteration of natural streams.*

The proposed LCP amendment has the potential to exacerbate storm water runoff and water quality by allowing development on steep slopes. Landform alteration (i.e., grading), alteration of natural drainage patterns, increased impervious coverage, and vegetation removal during the course of construction all contribute to an increase in storm water runoff, erosion, and down-stream sedimentation. The City's certified Land Use Plan contains policies requiring construction and grading plans prior to commencement of construction. In addition, the certified zoning ordinance contains a Drainage, Runoff, Erosion, and Slope Criteria / Standards element (17.078.020) that includes grading provisions, mitigation requirements, and best management practices to control storm water and urban runoff, minimize erosion, and advance the City's water quality goals. In particular, one of the primary grading provisions designed to minimize impacts on water quality associated with development in the Pismo Heights Planning Area, is a prohibition on grading of slope greater than 30%. The City's proposal would allow grading on steep slopes without parameters.

In addition to adversely impacting water quality, the LCP amendment request would also create an internal inconsistency between the revised General Plan/Land Use Plan and the certified zoning ordinance. As noted in the paragraph above, section 17.078.020.10 of the zoning ordinance prohibits grading on slopes greater than 30%. The City's proposed amendment obfuscates the intent of the LCP. Thus, the City's request is neither consistent with the Coastal Act policy preserving / protecting water quality nor the City's certified zoning ordinance.

As a result, the Commission is recommending modifications to minimize runoff and erosion and preserve water quality by prohibiting grading on slopes greater than 30% and requiring that all impervious surfaces drain to infiltration basins and/or cisterns. In addition, all buildings and residences must be constructed on the least-steep portions of the site and no future subdivisions creating building sites entirely greater than 30% in slope will be permitted.

Therefore, as modified by Recommended Modifications 1 & 2, Pismo Beach LCP amendment PSB-MAJ-1-04 Part II is consistent with Section 30231 of the Coastal Act.

## 2. Modify Policy D-2: Building and Site Design Criteria

The City of Pismo Beach proposes to amend Land Use Plan policy D-2 (f) involving the design criteria for driveway widths. The City is requesting the amendment to clarify a discrepancy between the existing Land Use Plan policy and the Zoning Ordinance standard. Specifically, the amendment requests



modifying the land use plan text as follows:

f. Driveway Widths

Driveway widths shall be kept narrow in order to retain a pedestrian street scale. Minimum and maximum driveway widths shall be as set forth in ~~Table D-1.~~ the Zoning Ordinance.

~~When redevelopment or rehabilitation occurs, existing driveways shall be modified or eliminated to conform to these standards.~~ See also: Circulation Element C-14: Parking.

~~Table D-1~~  
~~Minimum & Maximum Two Way Traffic Driveway Width~~

| <del>Number of Parking Spaces<br/>accessed by Driveway</del> | <del>Minimum Width</del> | <del>Maximum Width</del> |
|--|--------------------------|--------------------------|
| <del>2—8</del>   | <del>12'</del>           | <del>16'</del>           |
| <del>9—14</del>  | <del>16'</del>           | <del>18'</del>           |
| <del>15+</del>   | <del>18'</del>           | <del>24'</del>           |

~~\*May be increased to 30' for large commercial shopping complexes.~~

Coastal Act Section 30250 states, in part:

*(a) New residential, commercial, or industrial development, except as otherwise provided in this division, shall be located within, contiguous with, or in close proximity to, existing developed areas able to accommodate it or, where such areas are not able to accommodate it, in other areas with adequate public services and where it will not have significant adverse effects, either individually or cumulatively, on coastal resources.*

As mentioned above, the amendment request was made to clarify / cleanup a discrepancy between the existing land use plan policy and zoning ordinance standard for driveway widths. The City has also expressed the need for additional flexibility in the driveway width standard to address safety issues in residential neighborhoods and ease of access for large delivery vehicles in commercial zones. In this case, the city has chosen to delete the specific LUP policy standard and instead rely upon the standard presented in section 17.108.030 (General Requirements of Parking Areas) of the zoning ordinance. The effect of the amendment will be to narrow the minimum allowed width of residential driveways to 10' and apply a formulaic approach to designing driveways for commercial developments based on line-of-sight requirements for pedestrians and approaching vehicles. The amendment will not have any adverse effects on residential or commercially zoned projects, as all other development standards would still apply including site coverages, yard setbacks, landscaping requirements, etc.



Therefore, as submitted the proposed land use plan amendment to policy D-2 is consistent with Coastal Act Section 30250.

### 3. Modify LUP Policy D-6: Hillside Development

The proposed amendment to the certified LCP involves a change to the certified Land Use Plan Hillside Development policy D-6 to allow an expansion of an acceptable color palette. Specifically, the City has requested amending land use plan policy D-6 as follows:

#### D-6: Hillside Development

Development on the hillsides should be visually subordinated to the hills. Colors used on buildings and structures shall be dark natural colors with a light reflective value of less than 40%, except where lighter colors are determined to be appropriate by the review authority. Light colors such as white, cream and light blue shall not normally be allowed nor shall the lighter or more brilliant colors of red fired clay, brightly colored glazed tile or reflective metal be used for roofs. Development shall also be screened to the extent possible from freeway views through the use of trees and landscaping.

#### Scenic Resources

Coastal Act Section 30251 states in part, that the scenic and visual qualities of an area shall be protected as a resource of public importance. New development shall be sited and designed to protect views to and along the coast and be visually compatible with the character of surrounding areas and where feasible, to restore and enhance visual quality in visually degraded areas. The proposed LCP amendment would expand the palette of acceptable color schemes for residences in the coastal hills north and west of Highway 101. Currently, each subdivision along the foothills is fairly homogenous with monochromatic color tones. The City maintains the amendment is needed to allow more varied color options. The proposed amendment to the certified land use plan will not pose a significant threat to public views, or be incompatible with the existing character of development. Allowing the additional colors scheme may in fact improve the visual quality of the hillside developments by adding variety in the form of an expanded color palette. Thus, the amendment, as submitted, is consistent with the Chapter 3 policies of the Coastal Act.

### 4. Modify LUP Policy LU-2: Residential Uses

The proposed amendment to the certified LCP also involves a change to the certified Land Use Plan policy LU-2 that would bring permissible housing densities in line with the established minimum lot size configurations/standards in the certified zoning ordinance. More specifically, the City's amendment request adjusts the range of low, medium, and high density housing categories as follows:

#### LU-2 Residential Uses

##### d. Densities



Permissible housing densities are established within three broad categories shown on Table LU-3.

**Table LU-3**  
**Housing Categories and Density**

| CATEGORY       | DENSITY   |
|----------------|---|
| Low Density    | 1 to <del>4</del> <u>8</u> units per acre                       |
| Medium Density | <del>5</del> <u>9</u> to <del>10</del> <u>15</u> units per acre |
| High Density   | <del>14</del> <u>16</u> to 30 units per acre                    |

#### Standard of Review

As noted above, the standard of review for land use plan amendments is the Coastal Act. In this case, the most relevant governing section of the Coastal Act is 30250 (Development).

Coastal Act section 30250 states, in part:

*(a) New residential, commercial, or industrial development, except as otherwise provided in this division, shall be located within, contiguous with, or in close proximity to, existing developed areas able to accommodate it or, where such areas are not able to accommodate it, in other areas with adequate public services and where it will not have significant adverse effects, either individually or cumulatively, on coastal resources.*

#### Development

Pismo Beach is a small central coast, beachside town with seven miles of coastline and 8,550 permanent residents. The town has been a popular visitor destination since its inception in the late 1880's. It's residentially zoned neighborhoods have largely been subdivided and developed at densities that more closely approximate the existing zoning ordinance standards than the current land use designation. Thus, the proposed land use plan amendment may be appropriate for the existing residential neighborhoods (i.e., Shell Beach, Palisades, Spyglass, etc) within the city limits, but may not be appropriate for areas outside the city limits but within the City's Sphere of Influence for future annexations. This is true because 1) the City has planned and constructed the necessary amount of public services infrastructure to serve existing development and projected development at full build-out of existing lots, 2) the existing land use designation, if applied throughout the City, would create a significant number of legal non-conforming lots, and 3) based on available information, there may not be adequate public services to serve annexations subdivided at the higher densities.

As noted above, Pismo Beach is a popular visitor-serving destination. Each year visitors flock to the City during the summer months filling the beachside cottages, homes, and motel rooms causing the population to swell to more than double the number of permanent residents. Along with the seasonal



visitors, an increasing number of families are making Pismo Beach their permanent residence. This has led to a number of serious urban service issues, including the adequacy of availability of water and wastewater services especially during peak visitor periods.

In the findings of Part I of the LCP Amendment (PSB-MAJ-1-04 2<sup>nd</sup> Units) heard in May 2004, the Commission observes that City has nearly reached or exceeded the capacity of its wastewater treatment plant and infrastructure resulting in spills and fines levied by the RWQCB. Accordingly, the City has been busy undertaking a substantial upgrade to its failing wastewater treatment facility, lift stations, and supporting infrastructure. Construction commenced on the upgrade earlier this year and the City estimates construction will be completed on the upgraded wastewater treatment plant within approximately 18 months. Other infrastructure repairs and replacements are similarly scheduled to be brought online. It's important to note that the City designed the treatment facilities to accommodate treatment capacity for a total population that would include full build-out within the city limit and some additional capacity to serve as a buffer for peak demand during summer months. Though there would also be additional capacity to serve a limited amount of sphere of influence development, the City will need to further increase the capacity of the wastewater treatment plant to serve all future projected sphere of influence development.

Similarly, the Commission's findings in Part I of the Amendment noted that the City was nearing capacity of its available water supplies. In October 2001, citywide reported annual water usage was 2,156 acre feet per year or 80% of its available supply. That figure has continued to rise commensurate with a 1% annual growth in permanent residents. Two different studies indicate that existing water supplies will be adequate to cover projected demand for water within the city limits at full build-out, however, demand for development outside the city limits but within the sphere of influence will exceed the future supply available to the City.<sup>2</sup> Both studies also conclude that although future demand within existing City boundaries can be met with current supplies, it will be insufficient to cover reserves required by the general plan / land use plan. LUP policy F-37 requires the City to maintain water reserves at 5% over average daily demand at all times and a summer peaking supply of 130% over average weekly demand. Policy F-36 requires that when total annual use reaches 90% of projected available supplies, approval of developments requiring increasing water supplies shall be limited to essential public services, public recreation, and commercial recreation, and visitor-serving land uses. Estimates provided to the City indicate that at full build-out, total future demand for water within the City limits will be 99% of available supplies. As noted in the City's Water Master Plan report, alternative sources of supply for the City may need to be revisited to ensure future build-out demand within the city limit can be met and/or to provide for the buffer recommended by the General Plan / Land Use Plan.

Part I of the LCP amendment for 2<sup>nd</sup> units included a modification requiring a written commitment from the water and wastewater purveyors verifying availability of adequate public services to serve the

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<sup>2</sup> See *City of Pismo Beach –Sphere of Influence Update/ Municipal Service Review/ Expanded Initial Study –Negative Declaration*, LAFCO – The Local Agency Formation Commission, February 14, 2002, pages 24 – 27; and *City of Pismo Beach Water Master Plan*, John Wallace & Associates, December 2003, Chapter 6, pages 2 – 5.



development at the time an application is submitted for development. The commitment is a guarantee that the required level of service for the project will be available prior to the issuance of building permits. The Commission found that with the adoption of the recommended modification, the amendment would guarantee essential public services were available at the planning stages of development.

In this instance, the proposed amendment request redefines the land use densities for residential uses within the City and presumably elsewhere in the City's sphere of influence. The proposed amendment would potentially allow an increase in density throughout Pismo Beach. As was mentioned above, however, the planning areas within the existing city limits have largely been subdivided and developed at higher densities than would be allowed under the existing General Plan / Land Use Plan. Though there is some potential for further subdivision, it would be fairly limited in scope and in character with surrounding development. Furthermore, the City has planned and designed its public facilities infrastructure to serve this projected development. Thus, it appears from the provided evidence that there may be adequate services to serve existing and proposed future development within the existing city limits at the revised density proposed by this amendment. However, there does not appear to be adequate public services to serve projected demand for development within the City's sphere of influence (i.e., future annexations). In such areas, the proposed land use designation might allow too much new development and a rural designation may be more appropriate.

To ensure there is orderly growth within the city and determine whether territorial expansion/annexation of additional property is appropriate, the City has included policies and standards within its General Plan/Land Use Plan (GP/LUP). The certified GP/LUP Growth Management Element includes background information and policies designed to limit the issuance of building permits for new residential units each year, identify the urban expansion boundaries (sphere of influence), and establish a process for future annexations into the City of Pismo Beach. Annexations require a GP/LUP amendment identifying the location, distribution, and extent of proposed uses within the annexation territory. Standards for density and building intensity, parks, open space, and conservation areas are identified. An analysis of the City's capacity to provide public facilities and services including wastewater collection and treatment, stormwater management, water supply and distribution, traffic circulation, fire and public safety services, etc. Those annexations that affect real property within the Coastal Zone are subject to Coastal Commission review and approval. Additionally, all requests for annexation are forwarded to the Local Agency Formation Commission (LAFCO) for consideration and decision.

Notwithstanding the process identified in the GP/LUP, additional modification to the requested amendment is necessary to ensure that individual requests for development, as well as, larger development projects (i.e., future annexations and subdivision) can be carried out consistent with the City's GP/LUP growth management, facility services, and resource protection policies. Accordingly, the Commission is recommending a modification to bring the LCP amendment into conformance with Chapter 3 of the Coastal Act. Recommended Modification 3 specifies that the density requirements represent the maximum allowed provided that the applicant can demonstrate there are adequate public services to serve the development, *and* that the development can be carried out consistent with the





growth management, facility service, and resource protection standards of the LCP. Therefore, as modified, LCP amendment PSB-MAJ-1-04 Part II is consistent with Section 30250 of the Coastal Act.

## B. California Environmental Quality Act (CEQA)

The Coastal Commission's review and development process for LCPs and LCP amendments has been certified by the Secretary of Resources as being the functional equivalent of the environmental review required by CEQA. Therefore, local governments are not required to undertake environmental analysis of proposed LCP amendments, although the Commission can and does use any environmental information that the local government has developed. CEQA requires that alternatives to the proposed action be reviewed and considered for their potential impact on the environment and that the least damaging feasible alternative be chosen as the alternative to undertake.

The City in this case prepared a negative declaration for the proposed amendment under CEQA. This staff report has discussed the relevant coastal resource issues with the proposal, and has recommended appropriate suggested modifications to avoid and/or lessen any potential for adverse impacts to said resources. All public comments received to date have been addressed in the findings above. All above Coastal Act findings are incorporated herein in their entirety by reference.

As such, there are no additional feasible alternatives nor feasible mitigation measures available which would substantially lessen any significant adverse environmental effects which approval of the amendment, as modified, would have on the environment within the meaning of CEQA. Thus, if so modified, the proposed amendment will not result in any significant environmental effects for which feasible mitigation measures have not been employed consistent with CEQA Section 21080.5(d)(2)(A).

